

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CONNECTION CHURCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. CIV-24-408-G
CHURCH MUTUAL INSURANCE)	
COMPANY, S.I.,)	
)	
Defendant.)	

ORDER

Now before the Court is Defendant Church Mutual Insurance Company, S.I.’s Motion to Dismiss (Doc. No. 6), seeking to dismiss this action for insufficient service of process pursuant to Federal Rule of Civil Procedure 12(b)(5). Defendant’s Motion to Dismiss is premised on the argument that Plaintiff Connection Church, Inc. failed to comply with Federal Rule of Civil Procedure 4(e) because Plaintiff did not serve Defendant through the Oklahoma Insurance Commissioner as required by Oklahoma law. *See* Def.’s Mot. (Doc. No. 6) at 3-7; *see also* Okla. Stat. tit. 36, § 621.

Plaintiff has submitted its Response in Opposition (Doc. No. 17). In its Response, Plaintiff represents that while it disagrees that its initial service attempt was improper, it has now corrected the alleged deficiency in service by serving Defendant through the Oklahoma Insurance Commissioner. *See* Pl.’s Resp. (Doc. No. 16) at 6-7; *see also* Proof of Service (Doc. No. 17). Plaintiff therefore argues that Defendant’s Motion to Dismiss is now moot. Further, Defendant submitted its Answer to Plaintiff’s Complaint (Doc. No. 18) on August 1, 2024.

Based upon the correction of the alleged defect in service and the filing of Defendant's Answer to Plaintiff's Complaint, Defendant's Motion to Dismiss (Doc. No. 6) is DENIED AS MOOT.

IT IS SO ORDERED this 2nd day of August, 2024.



CHARLES B. GOODWIN
United States District Judge